

# Exhibit “B”

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## REGISTER OF ACTIONS

[CASE NO. C-1782-22-D](#)

**Epigmenio Gonzales VS. Home Depot U.S.A, DEREK RUIZ, YOTRIO CORPORATION**

\$  
\$  
\$  
\$

Case Type: Injury or Damage - Other (OCA)  
Date Filed: 05/12/2022  
Location: 206th District Court

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### PARTY INFORMATION

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Defendant	Home Depot U.S.A	Attorneys
Defendant	RUIZ, DEREK	
Defendant	YOTRIO CORPORATION	
Plaintiff	Gonzales, Epigmenio	ANDREW J. COBOS <i>Retained</i> 713-234-5860(W)

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### EVENTS & ORDERS OF THE COURT

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OTHER EVENTS AND HEARINGS					
<a href="#"><u>Original Petition (OCA)</u></a>					
05/12/2022	<b>Citation</b>	Home Depot U.S.A RUIZ, DEREK	Unserved Served Returned Unserved	07/04/2022	07/05/2022
05/18/2022	YOTRIO CORPORATION				
<a href="#"><u>Citation Issued</u></a>					
07/18/2022	<a href="#"><u>Motion for Substitute Service, Filed</u></a>				
07/18/2022	ON DEFENDANT YOTRIO CORPORATION				
07/19/2022	<b>Proposed Order</b>				
07/19/2022	ORDER GRANTING MOTION FOR SUBSTITUTE SERVICE OF PROCESS				
07/23/2022	<b>Sent to Workflow Queue</b>				
07/23/2022	<b>Order, Signed</b>				
07/23/2022	ORDER GRANTING MOTION FOR SUBSTITUTE SERVICE OF PROCESS; SENT TO D/C QUEUE ON 7/25/22				
07/23/2022	<a href="#"><u>Order Granting Motion for Substituted Service, Signed</u></a>				
07/25/2022	OF PROCESS				
07/25/2022	<a href="#"><u>Defendant's Original Answer</u></a>				
07/25/2022	<a href="#"><u>Notice Sent</u></a>				
07/25/2022	ORDER GRANTING MOTION FOR SUBSTITUTE SERVICE OF PROCESS				
07/25/2022	<a href="#"><u>Affidavit</u></a>				
08/16/2022	OF SERVICE FOR HOME DEPOT U.S.A				
08/16/2022	Tickler (5:30 PM) (Judicial Officer Reyna, Rose G.)				
	REVIEW FILE				

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### FINANCIAL INFORMATION

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07/25/2022	<b>Defendant</b> Home Depot U.S.A			
	Total Financial Assessment			10.00
	Total Payments and Credits			10.00
	<b>Balance Due as of 07/28/2022</b>			<b>0.00</b>
07/25/2022	Transaction Assessment			10.00
07/25/2022	EFile Payments from TexFile	Receipt # DC-2022-012188	Home Depot U.S.A	(10.00)
05/12/2022	<b>Plaintiff</b> Gonzales, Epigmenio			
	Total Financial Assessment			374.00
	Total Payments and Credits			374.00
	<b>Balance Due as of 07/28/2022</b>			<b>0.00</b>
05/12/2022	Transaction Assessment			374.00
05/12/2022	EFile Payments from TexFile	Receipt # DC-2022-007805	Gonzales, Epigmenio	(237.00)
05/12/2022	State Credit			(137.00)

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Reviewed By: Armando Cantu

Cause No. C-1782-22-D

Epigmenio Gonzales, § IN THE DISTRICT COURT  
*Plaintiff,* §  
§  
§  
§ JUDICIAL DISTRICT  
v. §  
§  
§ HIDALGO COUNTY, TEXAS  
Home Depot U.S.A., Inc., Yotrio §  
Corporation, and Derek Ruiz § Jury Trial Demanded  
*Defendants.* §

**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Epigmenio Gonzales files this Original Petition, and herein complains of Defendants Home Depot, U.S.A., Inc., Yotrio Corporation, and Derek Ruiz and would respectfully show the Court as follows:

**I. DISCOVERY CONTROL PLAN**

1. Plaintiff intends to conduct discovery under Level 2 of TEX. R. CIV. P. 190.3.

**II. STATEMENT REGARDING MONETARY RELIEF SOUGHT**

2. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks only monetary relief over \$500,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees and judgment for all other relief to which the Plaintiff is justly entitled.

**III. PARTIES**

3. Plaintiff is a resident of Hidalgo County, Texas.
4. Defendant Derek Ruiz is an individual who resides in Edinburg, Texas in Hidalgo County. Mr. Ruiz is being sued in his individual capacity. Mr. Ruiz can be served with process at 3212 Sierra Cir., Edinburg, TX 78539-6263.
5. Defendant Home Depot, U.S.A., Inc. is a Foreign For-Profit Corporation, authorized to do business in Hidalgo County and the State of Texas. Defendant Home Depot, U.S.A. can be served

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**C-1782-22-D**

through their registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company at 211 E. 7th Street, Suite 620, Austin, TX 78701-3218.

6. Defendant Yotrio Corporation, is a Foreign For-Profit Corporation, authorized to do business in Hidalgo County and the State of Texas. Defendant Yotrio Corporation can be served through their registered agent, Shawn Yan at 8525 Market St., Houston, TX 77029.

**IV. JURISDICTION AND VENUE**

7. The amount in controversy exceeds the minimum jurisdictional limits of the District Courts of Hidalgo County, Texas. The District Courts of Hidalgo County, Texas have jurisdiction of the subject matter herein, and venue is proper in Hidalgo County, Texas, given that Defendant Derek Ruiz is a Hidalgo County resident and the incident occurred in Hidalgo County, Texas.

**V. MISNOMER / ALTER EGO**

8. In the event any parties are misnamed or are not included herein, it is Plaintiffs' contention that such was a "misidentification", "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiffs contend that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

**VI. REQUEST PURSUANT TO TEX. R. CIV. P. 28**

9. To the extent that either Defendants are conducting business pursuant to a trade name or assumed name, then suit is brought against Defendants pursuant to the terms of Rule 28 of the Texas Rules of Civil Procedure, and Plaintiffs demand that, upon answer to this petition, that Defendants answer in its correct legal and assumed name.

**VII. FACTS**

10. On April 29, 2022, Plaintiff was an invitee of Home Depot U.S.A., Inc. in their store located at 409 W Jackson Ave, Pharr, TX 78577. While in the store, Plaintiff sat on a display chair

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that had been unboxed, assembled, and placed into display by Derek Ruiz, and which was advertised for sale by Home Depot as a Stylewell Mix and Match Stackable Brown Steel Sling Outdoor Patio Dining Chair (Model #FCS00015J-RB, Store SKU #1004439776). This chair had been manufactured by Defendant Yotrio Corporation, which is an entity that conducts business in Texas.

11. Upon information and belief, the chair had been improperly unboxed and assembled and constituted a hazard to individuals shopping at Home Depot—this hazard was known to Home Depot and Derek Ruiz. In combination with the improper assembly or in the alternative, the chair was deficient in its manufacturing, and insufficient warning had been given to patrons that the chair was subject to collapse if any person sat in the chair.

12. Unaware of the danger posed by the display chair, Plaintiff sat in the chair and it did collapse. Plaintiff was injured by the improperly assembled and deficiently manufactured chair. Defendants' actions collectively were the actual and proximate cause of Plaintiff's injuries, for which Plaintiff now seeks recovery.



*Image 1: The hazardous chair.*

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### **VIII. CAUSES OF ACTION**

#### **Count 1: Premises Liability (Defendant Home Depot)**

13. Plaintiff incorporates the preceding paragraphs as if set forth herein.
14. Defendant Home Depot was in possession or control of the premises as the owner of the property.
15. Plaintiff entered onto Defendants' premises with Defendants' knowledge and for their mutual benefit. Plaintiff was an invitee on the premises.
16. A condition on Defendants' premises posed an unreasonable risk of harm. Defendant Home Depot knew or reasonably should have known of the hazard given that their employees placed the chair into the display for the benefit of Plaintiff and other patrons.
17. Defendants had a duty to use ordinary care to ensure that the premises did not present a danger to Plaintiff. This duty includes the duty to inspect and the duty to warn or to cure. Defendants breached the duty of ordinary care by failing to inspect, warn, or cure the dangerous condition.
18. Defendant's breach of duty proximately caused injury to Plaintiff, which resulted in severe harm to his body. Such injuries have caused Plaintiff to suffer mental anguish, loss of enjoyment of life, past and future medical costs, and loss of earning capacity. Plaintiff seeks damages within the jurisdictional limits of this court.

#### **Count 2: Negligence and Gross Negligence (Home Depot and Yotrio Corporation)**

19. Plaintiff incorporates the preceding paragraphs as if set forth herein.
20. Defendants were collectively negligent regarding the manufacturing, advertisement, assembly, and display of the chair, and the failure to warn Plaintiff of the hazards posed by the chair. Defendants has a duty to warn Plaintiff that the chair posed a risk of harm, but failed in

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this regard.

21. Defendants' collective negligence proximately caused injury to Plaintiff, which resulted in severe harm to his body. Such injuries have caused Plaintiff to suffer mental anguish, loss of enjoyment of life, past and future medical costs, and loss of earning capacity. Plaintiff seeks damages within the jurisdictional limits of this court.

22. Exemplary damages. Plaintiff's injury resulted from Defendants' gross negligence, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code section 41.003(a). Upon information and belief, Defendants have long been aware of the dangers presented by the conditions of the chair, but took no action to warn of the hazard. Such conduct evidences extraordinary disregard for the safety of others and constitutes gross negligence.

**Count 3: Negligence and Gross Negligence (Derek Ruiz)**

23. Plaintiff incorporates the preceding paragraphs as if set forth herein.

24. Defendant Ruiz is individually liable for his negligent actions when unboxing and assembling the chair. The Stylewell Mix and March Stackable Brown Steel Sling Outdoor Patio Dining Chair (Model #FCS00015J-RB, Store SKU #1004439776) is designed to withstand the weight of an individual of Plaintiff's size and stature. Defendant Ruiz caused damage to the structural integrity of the chair during the unpacking, assembly and stacking process, and his negligent actions are attributable to the chair collapse, which caused Plaintiff's injuries. Mr. Ruiz owed the Plaintiff independent duty of reasonable care apart from that required by Home Depot to ensure that the chairs he assembled and stacked were not defective, particularly when Mr. Ruiz knew that individuals would be sitting in those chairs.

**Count 4: Products Liability (Home Depot and Yotrio Corporation)**

25. Plaintiff incorporates the preceding paragraphs as if set forth herein.

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**C-1782-22-D**

26. Defendants Home Depot and Yotrio Corporation are liable to Plaintiff pursuant to TEX.

CIV. PRAC. & REM. CODE CH. 82 due to the defective manufacturing and warning to consumers of the chair. Yotrio Corporation manufactured the chair. The chair deviated from its planned specifications and that deviation caused the chair to collapse.

27. Defendant Home Depot and Defendant Ruiz negligently modified or altered the chair during unpackaging, assembly and display of the chair. After Home Depot received the chair shipment, they exercised substantial control over the content of a warning or instruction that accompanied the defective chair. This warning was inadequate to caution Plaintiff about the likelihood of a chair collapse and resulted in Plaintiff's injuries.

28. Defendants' collective failures proximately caused injury to Plaintiff, which resulted in severe harm to his body. Such injuries have caused Plaintiff to suffer mental anguish, loss of enjoyment of life, past and future medical costs, and loss of earning capacity. Plaintiff seeks damages within the jurisdictional limits of this court.

**IX. JURY DEMAND**

29. Plaintiff demands a jury trial.

**X. PRAYER**

30. For these reasons, Plaintiff asks that the Court issue a citation for Defendants to appear and answer, and that Plaintiff be awarded a judgment, jointly and severally, against all Defendants, in excess of five-hundred thousand dollars, for actual damages, including past and future medical costs, pain and suffering, pre-judgment and post-judgment interest, court costs, disfigurement, and attorney's fees, and also for exemplary damages, and for any and all other relief to which Plaintiff is entitled.

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**C-1782-22-D**

Respectfully submitted,

**THE COBOS LAW FIRM**

By: /s/ Andrew J. Cobos  
Andrew J. Cobos  
State Bar No. 24078352  
Nicholas Kacal  
State Bar No. 24123106  
711 W. Alabama St.  
Houston, Texas 77006  
Telephone: (713) 234-5860  
Facsimile: (713) 583-5524  
[andrew@cobos.law](mailto:andrew@cobos.law)

and

**ROSE SANDERS PLLC**

Charles Sanders  
Texas Bar No. 24118667  
Email: charles@ericaroselaw.com  
One Greenway Plaza, Suite #100  
Houston, TX 77046-0102  
Phone: (713) 221-3773  
Fax: 713-234-5860

**ATTORNEYS FOR PLAINTIFF**

### **Automated Certificate of eService**

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Andrew Cobos on behalf of Andrew Cobos  
Bar No. 24078352  
andrew@cobos.law  
Envelope ID: 64460894  
Status as of 5/12/2022 4:21 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
kianna Zermenio		kianna@cobos.law	5/12/2022 4:03:22 PM	SENT
Nicholas Kacal		Nicholas@cobos.law	5/12/2022 4:03:22 PM	SENT
Charles Sanders		charles@rosesanderslaw.com	5/12/2022 4:03:22 PM	SENT

**C-1782-22-D**  
**206TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**  
**CITATION**  
**THE STATE OF TEXAS**

**NOTICE TO DEFENDANT:** You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](http://TexasLawHelp.org).

**HOME DEPOT U.S.A**

**REGISTERED AGENT: CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCORPORATING  
211 E. 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Rose G. Reyna, 206th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 12th day of May, 2022 and a copy of same accompanies this citation. The file number and style of said suit being C-1782-22-D, **PIGMENIO GONZALES VS. HOME DEPOT U.S.A, DEREK RUIZ, YOTRIO CORPORATION**

Said Petition was filed in said court by Attorney ANDREW J. COBOS, 711 W ALABAMA ST HOUSTON TX 77006.

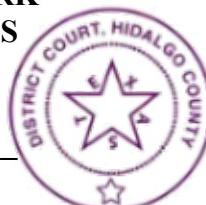
The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 18th day of May, 2022.

**LAURA HINOJOSA, DISTRICT CLERK  
100 N. CLOSNER, EDINBURG, TEXAS  
HIDALGO COUNTY, TEXAS**

*Seline M. Garcia*  
\_\_\_\_\_  
**SELINE GARCIA, DEPUTY CLERK**



**C-1782-22-D**  
**OFFICER'S RETURN**

Came to hand on \_\_\_\_\_ of \_\_\_\_\_, 202\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_.m. and executed in \_\_\_\_\_ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the \_\_\_\_\_ (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE

And not executed as to the defendant, \_\_\_\_\_ the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of said defendant, being: \_\_\_\_\_. I actually and necessarily traveled \_\_\_\_\_ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$\_\_\_\_\_  
miles .....\$\_\_\_\_\_

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**DEPUTY**

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_ and the address is \_\_\_\_\_, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

---

**Declarant"**

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**If Certified by the Supreme Court of Texas  
Date of Expiration / PSC Number**

**C-1782-22-D**  
**206TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**  
**CITATION**  
**THE STATE OF TEXAS**

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**DEREK RUIZ  
3212 SIERRA CIR  
EDINBURG TX 78539-6263**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Rose G. Reyna, 206th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 12th day of May, 2022 and a copy of same accompanies this citation. The file number and style of said suit being C-1782-22-D, **PIGMENIO GONZALES VS. HOME DEPOT U.S.A, DEREK RUIZ, YOTRIO CORPORATION**

Said Petition was filed in said court by Attorney ANDREW J. COBOS, 711 W ALABAMA ST HOUSTON TX 77006.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 18th day of May, 2022.

**LAURA HINOJOSA, DISTRICT CLERK  
100 N. CLOSNER, EDINBURG, TEXAS  
HIDALGO COUNTY, TEXAS**

*Seline M. Garcia*  
**SELINE GARCIA, DEPUTY CLERK**



**C-1782-22-D**  
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NAME	DATE	TIME	PLACE

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Fees: serving ... copy(s) \$\_\_\_\_\_  
miles .....\$\_\_\_\_\_

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**DEPUTY**

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT**

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"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_ and the address is \_\_\_\_\_, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_\_.

---

**Declarant"**

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**206TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**  
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**YOTRIO CORPORATION**  
**REGISTERED AGENT: SHAWN YAN**  
**8525 MARKET ST**  
**HOUSTON TX 77029**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Rose G. Reyna, 206th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

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**LAURA HINOJOSA, DISTRICT CLERK**  
**100 N. CLOSNER, EDINBURG, TEXAS**  
**HIDALGO COUNTY, TEXAS**

  
\_\_\_\_\_  
**SELINE GARCIA, DEPUTY CLERK**



**C-1782-22-D**  
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miles .....\$\_\_\_\_\_

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"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_ and the address is \_\_\_\_\_, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_\_.

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**Declarant"**

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7/5/2022 9:49 PM  
Hidalgo County District Clerks  
Reviewed By: Cindy A. Lopez

**C-1782-22-D**  
**206TH DISTRICT COURT, HIDALGO COUNTY, TEXAS**  
**CITATION**  
**THE STATE OF TEXAS**

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**DEREK RUIZ**  
**3212 SIERRA CIR**  
**EDINBURG TX 78539-6263**

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Rose G. Reyna, 206th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 12th day of May, 2022 and a copy of same accompanies this citation. The file number and style of said suit being **C-1782-22-D, EPIGMENIO GONZALES VS. HOME DEPOT U.S.A, DEREK RUIZ, YOTRIO CORPORATION**

Said Petition was filed in said court by Attorney ANDREW J. COBOS, 711 W ALABAMA ST HOUSTON TX 77006.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

**ISSUED AND GIVEN UNDER MY HAND AND SEAL** of said Court at Edinburg, Texas on this the 18th day of May, 2022.

**LAURA HINOJOSA, DISTRICT CLERK**  
**100 N. CLOSNER, EDINBURG, TEXAS**  
**HIDALGO COUNTY, TEXAS**

*Seline M. Garcia*  
**SELINE GARCIA, DEPUTY CLERK**



Electronically Filed  
7/5/2022 9:49 PM  
Hidalgo County District Clerks  
Reviewed By: Cindy A. Lopez

**C-1782-22-D**  
**OFFICER'S RETURN**

Came to hand on 27 of June, 2022 at 6:15 o'clock p.m. and executed in Hidalgo County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
Derek Ruiz	7/4/22	1:10 pm	3212 Sierra Cir, Edinburg, TX 78539

And not executed as to the defendant, \_\_\_\_\_ the diligence used in finding said defendant, being: \_\_\_\_\_ and the cause of failure to execute this process is: \_\_\_\_\_ and the information received as to the whereabouts of said defendant, being: \_\_\_\_\_. I actually and necessarily traveled \_\_\_\_\_ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ \_\_\_\_\_  
miles .....\$ \_\_\_\_\_

Vanessa Zuniga  
**DEPUTY**

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,  
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Vanessa Zuniga, my date of birth is 11-18-84 and the address is Edinburg, TX 78539, and I declare under penalty of perjury that the foregoing is true and correct."

EXECUTED in Hidalgo County, State of Texas, on the 4 day of July, 2022.

Vanessa Zuniga  
Declarant"

SCH-8096 1-31-2024

If Certified by the Supreme Court of Texas  
Date of Expiration / PSC Number

**Automated Certificate of eService**

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Envelope ID: 66038621

Status as of 7/6/2022 10:28 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
kianna Zermenio		kianna@cobos.law	7/5/2022 9:49:37 PM	SENT
Nicholas Kacal		Nicholas@cobos.law	7/5/2022 9:49:37 PM	SENT
Charles Sanders		charles@rosesanderslaw.com	7/5/2022 9:49:37 PM	SENT
ANDREW COBOS		ANDREW@COBOS.LAW	7/5/2022 9:49:37 PM	SENT

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7/18/2022 1:31 PM  
Hidalgo County District Clerks  
Reviewed By: Cindy A. Lopez

**Cause No. C-1782-22-D**

**PLAINTIFF'S MOTION FOR SUBSTITUTED SERVICE ON  
DEFENDANT YOTRIO CORPORATION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff EPIGENIO GONZALES who respectfully requests that the Court authorize and issue an order allowing Plaintiff EPIGENIO GONZALES to serve Defendant YOTRIO CORPORATION within this lawsuit by substituted service and would show unto the Court the following in support of this Motion.

## I. FACTS

It is proved impracticable to secure personal service of process in this case on Defendant YOTRIO CORPORATION in person because Defendant, for this purpose of evading service of process, has purposefully frustrated all attempts by Plaintiff to do so.

Plaintiff would further show that a private process server has, on numerous occasions, attempted to perfect service upon Defendant YOTRIO CORPORATION by and through its registered agent, Shawn Yan at the address registered for service: 8525 Market St., Houston, TX 77029 and on each occasion said process server was unable to serve YOTRIO CORPORATION. The Affidavit of Gary F. Hodges evidencing all the attempts is attached as Exhibit "A".

Further, the Affidavit attached to this Motion shows that Defendant YOTRIO CORPORATION can be given notice of this lawsuit by the process server either: (1) leaving a true copy of the citation, with a copy of the Petition and this Order authorizing substituted service attached, with anyone over sixteen (16) years of age at 8525 Market St., Houston, TX 77029; (2)

Exhibit "B-7"

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Reviewed By: Cindy A. Lopez

by firmly affixing a true copy of the citation, with a copy of the Petition and this Order authorizing substitute service attached, to the front door of Defendant's address registered for service located at 8525 Market St., Houston, TX 77029.

**II. PRAYER**

Plaintiff requests that the Court order service on Defendant YOTRIO CORPORATION by a private process server either: (1) by leaving a true copy of the citation, with a copy of the Petition and this Order authorizing substituted service attached, with anyone over sixteen (16) years of age at 8525 Market St., Houston, TX 77029, (2) by firmly affixing a true copy of the citation, with a copy of the Petition and this Order authorizing substituted service attached, to the front door of Defendant's address registered for service located at 8525 Market St., Houston, TX 77029.

Respectfully submitted,

THE COBOS LAW FIRM

By: /s/ Andrew J. Cobos  
Andrew J. Cobos  
State Bar No. 24078352  
Nicholas Kacal  
State Bar No. 24123106  
711 W. Alabama Street  
Houston, Texas 77006  
Telephone: (713) 234-5860  
Facsimile: (713) 234-5860

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was served on all counsel of record by electronic service on this 18<sup>th</sup> day of July 2022.

/s/ Nicholas G. Kacal  
Nicholas G. Kacal

**Exhibit "B-7"**

### **Automated Certificate of eService**

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Andrew Cobos on behalf of Andrew Cobos

Bar No. 24078352

andrew@cobos.law

Envelope ID: 66412140

Status as of 7/18/2022 2:54 PM CST

#### **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
kianna Zermenio		kianna@cobos.law	7/18/2022 1:31:39 PM	SENT
Nicholas Kacal		Nicholas@cobos.law	7/18/2022 1:31:39 PM	SENT
Charles Sanders		charles@rosesanderslaw.com	7/18/2022 1:31:39 PM	SENT
ANDREW COBOS		ANDREW@COBOS.LAW	7/18/2022 1:31:39 PM	SENT

**Affidavit in Support of Motion for Substitute Service**

**State of Texas**

**County of HIDALGO**

**206th District Court Court**

Case Number: C-1782-22-D

Plaintiff:

**Epigmenio Gonzales,**

vs.

Defendant:

**Home Depot U.S.A., Inc., Yotrio  
Corporation, and Derek Ruiz**

Received by GARY F. HODGES PSC10081 EXP:12/31/2022 on the 29th day of June, 2022 at 10:46 am to be served on **YOTRIO CORPORATION, 8525 MARKET ST., HOUSTON, TX 77029**

I, GARY F. HODGES PSC10081 EXP:12/31/2022, being duly sworn, depose and say that I:

**Additional Information pertaining to this Service:**

7/13/2022 4:03 pm Attempted service at 8525 MARKET ST., HOUSTON, TX 77029,

Spoke with a 50 year old Asian male who stated SHAWN YAN wasn't in the office. I ask if he knew when Mr YAN would be in the office he stated no

7/8/2022 1:44 pm Attempted service at 8525 MARKET ST., HOUSTON, TX 77029,

Spoke with a 50 year old Asian male who stated SHAWN YAN wasn't in the office  
7/5/2022 9:37 am Attempted service at 8525 MARKET ST., HOUSTON, TX 77029,

Spoke with a 50 year old Asian male who stated SHAWN YAN wasn't in the office  
6/30/2022 3:07 pm Attempted service at 8525 MARKET ST., HOUSTON, TX 77029,

Spoke with a 50 year old Asian male who stated SHAWN YAN wasn't in the office didn't expect him back until next week

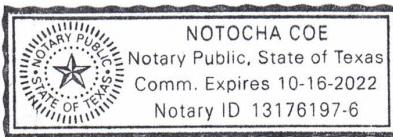
I am a State of Texas Authorized Process Server; I am competent to make this oath; I am not less than 18 years of age; I am not a party in the above-referenced case; I have not been convicted of a felony or crime of moral turpitude; and I am not interested in the outcome of the above styled and numbered suit; and I swear that the above statements and facts are true and correct.

**GARY F. HODGES PSC10081 EXP:12/31/2022**  
Process Server

**LIBERTY LITIGATIONS SUPPORT, LLC**  
**7171 HIGHWAY 6 NORTH STE 250**  
**HOUSTON, TX 77095**  
**(281) 200-5314**

Our Job Serial Number: AJT-2022001836

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**Exhibit "B-7"**

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Hidalgo County District Clerks  
Reviewed By: Cindy A. Lopez

**Cause No. C-1782-22-D**

**Epigmenio Gonzales,  
Plaintiff,**

**IN THE DISTRICT COURT**

**v.**

**Home Depot U.S.A., Inc., Yotrio  
Corporation, and Derek Ruiz  
Defendants.**

**§ 206<sup>th</sup> JUDICIAL DISTRICT**

**§ HIDALGO COUNTY, TEXAS**

**§ Jury Trial Demanded**

**ORDER GRANTING MOTION FOR  
SUBSTITUTE SERVICE OF PROCESS**

ON THIS DAY came on for consideration the Plaintiff's Motion for Substitute Service Under Rule 106(b), Texas Rules of Civil Procedure. It appears to the Court that Plaintiff has attempted but failed to personally serve **YOTRIO CORPORATION** at Defendant's address registered for service located at **8525 Market St., Houston, TX 77029**. It further appears to the Court that the manner of service ordered herein will be reasonably effective to give said defendant notice of the lawsuit. It is therefore,

**ORDERED, ADJUDGED, and DECREED** that the Motion for Substitute Service is **GRANTED**. It is further,

**ORDERED, ADJUDGED, and DECREED** that service of process may be made upon the Defendant, either: (1) by leaving a true copy of the citation, with a copy of the Petition and this Order authorizing substituted service attached, with anyone over sixteen (16) years of age at, of **8525 Market St., Houston, TX 77029**; or (2) by firmly affixing a true copy of the citation, with a copy of the Petition and this Order authorizing substitute service attached, to the front door of Defendant's address registered for service located at the above address.

It is further **ORDERED, ADJUDGED, and DECREED** that the service made by the above method shall not be deemed perfected unless it also complies with the following provisions:

**Exhibit "B-8"**

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Reviewed By: Cindy A. Lopez

- (a) A copy of the citation, Petition, and this Order shall be mailed by BOTH certified mail, return receipt requested, AND by regular mail to the Defendant at the same address at which service is authorized above;
- (b) The return of service shall not be made until 30 days after mailing or until the process server receives back the green card from the post office, whichever date is earlier;
- (c) The return of service shall include a statement setting out the date of mailing and the result of the mailing by certified mail, and the date of mailing and result of same by regular mail (i.e., whether the envelope was returned by the post office, the green card came back signed, etc); and
- (d) A copy of any envelope or green card returned by the post office shall be attached to the return of service

It is further **ORDERED, ADJUDGED, and DECREED** that the return of service of the person executing service pursuant to this Order shall otherwise be made in accordance with Rule 107, Texas Rules of Civil Procedure. It is further

**ORDERED, ADJUDGED, and DECREED** that service of process will be deemed complete upon compliance with this Order, regardless of whether Defendant signs the certified mail receipt.

SIGNED this \_\_\_\_\_ day of 23rd of July, 2022, 20\_\_\_\_\_.  


JUDGE PRESIDING

**PARTIES TO BE NOTIFIED WHEN ORDER IS SIGNED:**

Epigmenio Gonzales  
C/O Andrew Cobos  
The Cobos Law Firm  
711 W. Alabama St.,  
Houston, Texas 77006  
[Andrew@Cobos.Law](mailto:Andrew@Cobos.Law)

### **Automated Certificate of eService**

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Andrew Cobos on behalf of Andrew Cobos

Bar No. 24078352

andrew@cobos.law

Envelope ID: 66427874

Status as of 7/19/2022 8:21 AM CST

Associated Case Party: Epigmenio Gonzales

Name	BarNumber	Email	TimestampSubmitted	Status
Kianna Zermenio		kianna@cobos.law	7/18/2022 4:35:12 PM	SENT
Andrew Cobos		andrew@cobos.law	7/18/2022 4:35:12 PM	SENT
Nicholas GKacal		Nicholas@Cobos.Law	7/18/2022 4:35:12 PM	SENT
Jocelyn Zuniga		jocelyn@cobos.law	7/18/2022 4:35:12 PM	SENT

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Andrew Cobos on behalf of Andrew Cobos

Bar No. 24078352

andrew@cobos.law

Envelope ID: 66427874

Status as of 7/19/2022 8:21 AM CST

#### **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Sanders		charles@rosesanderslaw.com	7/18/2022 4:35:12 PM	SENT
ANDREW COBOS		ANDREW@COBOS.LAW	7/18/2022 4:35:12 PM	SENT

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Reviewed By: Nancy Delgado

NO. C-1782-22-D

EPIGMENIO GONZALES § IN THE DISTRICT COURT OF  
VS. § HIDALGO COUNTY, TEXAS  
HOME DEPOT U.S.A., INC., YORIO §  
CORPORATION, and DEREK RUIZ § 206<sup>TH</sup> JUDICIAL DISTRICT

**THE SPECIAL EXCEPTIONS AND ORIGINAL ANSWER OF  
DEFENDANTS HOME DEPOT U.S.A., INC. AND DEREK RUIZ**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Home Depot U.S.A., Inc. and Derek Ruiz ("Defendants"), Defendants in the above-entitled and numbered cause, and for its Special Exceptions and Original Answer to Plaintiff's Original Petition would respectfully show unto the Court as follows:

**SPECIAL EXCEPTIONS**

1. **Fair Notice.** Defendants specially except the Petition for failing to provide a statement in plain and concise language of the Plaintiff's causes of action, and, pursuant to TEX. R. CIV. P. 45, request that Plaintiff be required to replead sufficiently to enable Defendant to prepare a defense.

2. **Damages.** Defendants specially except to the paragraph 28 of the Petition wherein Plaintiff seeks recovery for unspecified past and future medical expenses and loss of earning capacity, and, pursuant to TEX. R. CIV. P. 56, request that Plaintiff be required to itemize all special damages for which he seeks recovery. Of which special exception, Defendants pray judgment of the Court.

3. **Relief.** Defendants further specially except to the prayer for relief of the Petition wherein it is alleged that Plaintiff seeks recovery for all other and further relief to which

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Reviewed By: Nancy Delgado

Plaintiff may be entitled. Defendants are entitled to know the specific types of relief to which the Plaintiff may be entitled at law or in equity; accordingly, this global claim for relief should be stricken or, in the alternative, Plaintiff should be required to re-plead to specifically identify each type of damage for which he seeks recovery. Of which special exception, Defendants pray judgment of the Court.

### **ORIGINAL ANSWER**

Defendants in the above-entitled and numbered cause, file this Answer to the Plaintiff's pleadings on file herein, and would respectfully show unto the Court as follows:

4.     **General Denial.** Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants deny each and every, all and singular, the material allegations contained in Plaintiff's pleadings filed herein, and demand strict proof thereof, as required by the laws of this State of persons or entities who bring suit as the Plaintiff does in the instant case.

5.     **Plaintiff Comparative Responsibility.** Defendants further allege, by way of affirmative defense, and without waiver of the foregoing, that the Plaintiff's own negligent and/or intentional acts were the sole and/or proximate producing cause of any alleged injuries or damages suffered by the Plaintiff.

6.     **Chapter 82 Defense.** Plaintiff's claims against Home Depot U.S.A., Inc. are barred pursuant to Chapter 82 of the Texas Civil Practice and Remedies Code. Defendant Home Depot U.S.A., Inc., as the nonmanufacturing seller, is not liable for any alleged harm caused by the subject product. Further, none of the enumerate exceptions in §82.003 apply.

7.     **Medical/Health Care Expense Limitations.** Defendants further allege, by way of affirmative defense, and without waiver of the foregoing, that under the Tex. Civ. Prac. &

Rem. Code §41.0105, in addition to any other limitation under law, Plaintiff is limited to recovery of medical or health care expense, if any, to the amount actually paid or incurred by or on behalf of Plaintiff.

**8. Certain Health Care Service Claims Barred.** Defendants further allege, by way of affirmative defense, and without waiver of the foregoing, and to the extent that Plaintiff was insured and entitled to health insurance benefits at any time relevant to this suit but chose, instead, to seek care outside of Plaintiff's approved provider network and/or possibly personally incur health care expenses by not timely submitting bills to Plaintiff's health insurer, Plaintiff failed to mitigate Plaintiff's damages, pursuant to Tex. Civ. Prac. & Rem. Code §146.003. Furthermore, to the extent that Plaintiff's health care service provider(s) failed and/or refused to timely and directly bill Plaintiff's insurer and/or health benefit plan for health care services provided to the Plaintiff and/or for health care expenses incurred by the Plaintiff, when required or authorized to do so, then claims by such health care service provider(s) are barred, in whole or in part, and do not constitute medical expenses actually paid or incurred by or on behalf of the Plaintiff. Tex. Civ. Prac. & Rem. Code §146.001, et seq.

**9. Net Loss After Tax.** Defendants further allege, by way of affirmative defense, and without waiver of the foregoing, that under the Tex. Civ. Prac. & Rem. Code §18.091, in addition to any other limitation under law, Plaintiff's recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value, or loss of inheritance, if any, is limited to the recovery of the net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law.

**10. Settlement Credits/Contribution Rights.** Defendants deny that Plaintiff is

entitled to any recovery. However, to the extent any recovery is had by Plaintiff, such recoveries must be offset by any amounts received from joint tortfeasors or other Defendants. In the unlikely event that Defendants are found liable for any portion of Plaintiff's injuries, if any, Defendants are entitled to indemnity and/or contribution from each of the other Defendants and a percentage or pro-rata reduction of its liability to Plaintiff pursuant to Chapters 32 and 33 of the Texas Civil Practice & Remedies Code, the doctrine of comparative fault and/or any other applicable law. Further, Defendants pray for all credit and/or offset rights at law by virtue of any settlement entered into by Plaintiff with any party or non-party in connection with or relating to any matter pertaining to the claims made herein by Plaintiff.

11. **Tex. Civ. Prac. & Rem. Code.** Defendants further allege, plead and reserve, without waiver of the foregoing, each and every right entitled it pursuant to the Texas Civil Practice and Remedies Code, Chapters 32 and 33.

12. **Exemplary Damages.** Defendants further allege, without waiver of the foregoing, that any recovery of exemplary damages herein is subject to CPRC §41.008, Limitation on Amount of Recovery. Defendants further allege, without waiver of the foregoing, that any award of exemplary damages violates the due process clause of the Fifth Amendment and Fourteenth Amendment to the United States Constitution, in addition to Article 1, Section 19 of the Texas Constitution, in that:

- A. Such punitive damages are intended to punish and deter Defendants and thus this proceeding becomes essentially criminal in nature;
- B. Defendants are being compelled to be a witness against itself in a proceeding that is essentially and effectively criminal in nature, in violation of the Defendant's right to due process, and in violation of the Constitutions of the United States and of the State of Texas;

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Reviewed By: Nancy Delgado

- C. Plaintiff's burden of proof to establish punitive damages in this proceeding, which is effectively criminal in nature, is less than the burden of proof required in all other criminal proceedings, and thus violates Defendants' rights to due process as guaranteed by the Fourteenth Amendment of the United States Constitution and the rights of Defendants under Article 1, Section 19 of the Texas Constitution; and
- D. Inasmuch as this proceeding is essentially and effectively criminal in nature, Defendants are being denied the requirements of adequate notice of the elements of the offense, and that such statutory and common law theories purportedly authorizing punitive damages are sufficiently vague and ambiguous, and Plaintiff's Petition purporting to invoke such statutory and/or common law theory is so vague and ambiguous as to be in violation of the due process clause of the Fourteenth Amendment to the United States Constitution and in violation of Article 1, Section 19 of the Texas Constitution.

13. **Jury Demand.** Defendants respectfully request trial by jury.

14. **Notice of Intent to Use Documents.** Pursuant to Rules 176.6(c) and 193.7 of the

Texas Rules of Civil Procedure, Defendants give notice to all parties that the production of any document in response to written discovery by any party and non-party authenticates said document for use against that party and any other party in any pretrial proceeding or at trial.

15. **Reservation to Amend.** Defendants respectfully reserve the right at this time to amend this Original Answer to the Plaintiff's allegations after said Defendants have had the opportunity to more closely investigate these claims as it is the right and privilege of said Defendants under the Rules of Civil Procedure and the laws of the State of Texas.

WHEREFORE, PREMISES CONSIDERED, the above-named Defendants, Home Depot U.S.A., Inc. and Derek Ruiz, having fully answered herein, pray that it goes hence without day for costs, and for such other and further relief, both special and general, at law and in equity, to which said Defendants may be justly entitled.

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7/25/2022 9:21 AM  
Hidalgo County District Clerks  
Reviewed By: Nancy Delgado

Respectfully submitted,

**BROTHERS, ALVARADO, PIAZZA & COZORT, P.C.**

By: /s/ Karen M. Alvarado  
Karen M. Alvarado  
State Bar No. 11067050  
[kalvarado@brothers-law.com](mailto:kalvarado@brothers-law.com)  
Lucia D. Zhan  
State Bar No. 24125959  
[lzhan@brothers-law.com](mailto:lzhan@brothers-law.com)  
10333 Richmond, Suite 900  
Houston, Texas 77042  
Tel: (713) 337-0750  
Fax: (713) 337-0760

*Attorneys for Defendants Home Depot U.S.A., Inc.  
and Derek Ruiz*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument was served upon the following counsel of record in compliance with Rule 21a of the Texas Rules of Civil Procedure on this the 25<sup>th</sup> day of July, 2022.

**VIA E-SERVICE**

Andrew J. Cobos  
Nicholas Kacal  
THE COBOS LAW FIRM  
711 W. Alabama St.  
Houston, Texas 77006

**VIA E-SERVICE**

Charles Sanders  
ROSE SANDERS PLLC  
One Greenway Plaza, Suite #100  
Houston, TX 77046-0102

**BROTHERS, ALVARADO, PIAZZA & COZORT, P.C.**

By: /s/ Karen M. Alvarado  
Karen M. Alvarado

### **Automated Certificate of eService**

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Gretchen Heyn on behalf of Karen Alvarado

Bar No. 11067050

gheyn@brothers-law.com

Envelope ID: 66615933

Status as of 7/25/2022 9:31 AM CST

Associated Case Party: Epigmenio Gonzales

Name	BarNumber	Email	TimestampSubmitted	Status
Kianna Zermenio		kianna@cobos.law	7/25/2022 9:21:35 AM	SENT
Andrew Cobos		andrew@cobos.law	7/25/2022 9:21:35 AM	SENT
Nicholas GKacal		Nicholas@Cobos.Law	7/25/2022 9:21:35 AM	SENT
Jocelyn Zuniga		jocelyn@cobos.law	7/25/2022 9:21:35 AM	SENT

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Gretchen Heyn on behalf of Karen Alvarado

Bar No. 11067050

gheyn@brothers-law.com

Envelope ID: 66615933

Status as of 7/25/2022 9:31 AM CST

#### **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Sanders		charles@rosesanderslaw.com	7/25/2022 9:21:35 AM	SENT
ANDREW COBOS		ANDREW@COBOS.LAW	7/25/2022 9:21:35 AM	SENT

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Gretchen Heyn on behalf of Karen Alvarado

Bar No. 11067050

gheyn@brothers-law.com

Envelope ID: 66615933

Status as of 7/25/2022 9:31 AM CST

Associated Case Party: Home Depot U.S.A

Name	BarNumber	Email	TimestampSubmitted	Status
Karen MAlvarado		kalvarado@brothers-law.com	7/25/2022 9:21:35 AM	SENT
Lucia Zhan		lzhan@brothers-law.com	7/25/2022 9:21:35 AM	SENT

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Gretchen Heyn on behalf of Karen Alvarado

Bar No. 11067050

gheyn@brothers-law.com

Envelope ID: 66615933

Status as of 7/25/2022 9:31 AM CST

Associated Case Party: DEREK RUIZ

Name	BarNumber	Email	TimestampSubmitted	Status
Karen MAlvarado		kalvarado@brothers-law.com	7/25/2022 9:21:35 AM	SENT
Lucia Zhan		lzhan@brothers-law.com	7/25/2022 9:21:35 AM	SENT

AFFIDAVIT OF SERVICE

Electronically Filed  
7/25/2022 2:52 PM  
Hidalgo County District Clerks  
Reviewed By: Nancy Delgado

State of Texas

County of Hidalgo

206th Judicial District Court

Case Number: C-1782-22-D

Plaintiff:  
**Epigmenio Gonzales**

vs.

Defendant:  
**Home Depot U.S.A., Inc., et al.**

For:  
The Cobos Law Firm  
1300 McGowen St.  
Houston, TX 77004

Received by Dane Ray Cuppett on the 29th day of June, 2022 at 11:23 am to be served on Home Depot U.S.A. by serving its registered agent, Corporation Service Company d/b/a CSC-Lawyers Incorporating, 211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701.

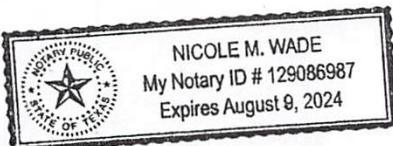
I, Dane Ray Cuppett, being duly sworn, depose and say that on the **29th day of June, 2022** at 3:21 pm, I:

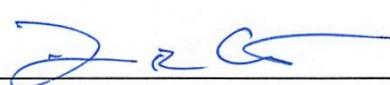
executed to the **REGISTERED AGENT** by delivering a true copy of the **Citation and Plaintiff's Original Petition** with the date of delivery endorsed thereon by me, to **Kaneisha Gross, Corporation Service Company d/b/a CSC-Lawyers Incorporating** as the designated agent to accept delivery of process at the address of **211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701** on behalf of **Home Depot U.S.A.** and informed said person of the contents therein.

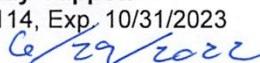
I certify that I am over the age of 18, have no interest in the above action, and am a certified process server, in good standing, in the judicial circuit in which the foregoing occurred. The facts in this affidavit are within my personal knowledge and true and correct.

Subscribed and sworn to before me on the 29th  
day of June, 2022 by the affiant  
who is personally known to me.

  
NOTARY PUBLIC



  
Dane Ray Cuppett  
PSC-7114, Exp. 10/31/2023

  
Date

Liberty Litigation Support, LLC  
7171 Highway 6 North  
Suite 250  
Houston, TX 77095  
(281) 200-5310

Our Job Serial Number: ATX-2022007123  
Ref: Epigmenio Gonzales

### **Automated Certificate of eService**

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 66638002

Status as of 7/25/2022 3:25 PM CST

Associated Case Party: Epigmenio Gonzales

Name	BarNumber	Email	TimestampSubmitted	Status
Kianna Zermenio		kianna@cobos.law	7/25/2022 2:52:49 PM	SENT
Andrew Cobos		andrew@cobos.law	7/25/2022 2:52:49 PM	SENT
Nicholas GKacal		Nicholas@Cobos.Law	7/25/2022 2:52:49 PM	SENT
Jocelyn Zuniga		jocelyn@cobos.law	7/25/2022 2:52:49 PM	SENT

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Status as of 7/25/2022 3:25 PM CST

Associated Case Party: Home Depot U.S.A

Name	BarNumber	Email	TimestampSubmitted	Status
Lucia Zhan		lzhan@brothers-law.com	7/25/2022 2:52:49 PM	SENT
Karen MAlvarado		kalvarado@brothers-law.com	7/25/2022 2:52:49 PM	SENT

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Envelope ID: 66638002

Status as of 7/25/2022 3:25 PM CST

#### **Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
Charles Sanders		charles@rosesanderslaw.com	7/25/2022 2:52:49 PM	SENT
ANDREW COBOS		ANDREW@COBOS.LAW	7/25/2022 2:52:49 PM	SENT